



IN THE HIGH COURT OF JUDICATURE AT JABALPUR

WRIT PETITION NO. 179 /1998.

(WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA)

PETITIONER:

GRASIM CEMENT,

A Unit of Grasim Industries Limited,
A company incorporated under the
provisions of Indian Companies Act, 1956,
having its registered Office at
Birlagram, Nagda and Factory at
Grasim Vihar, Village & Post Office-
Rawan, Tahsil Simga, District, Raipur (MP).

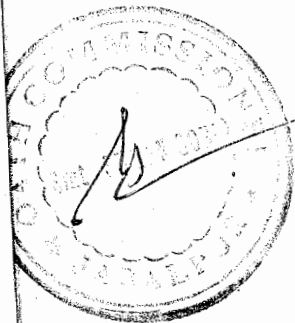
//Versus//

RESPONDENTS:

1. State of Madhya Pradesh,
Through-Secretary, Land Revenue,
Vallabh Bhawan, BHOPAL (MP).
 2. The Commissioner, Raipur (M.P.) (MP).
 3. The Collector, Raipur (M.P.).
 4. The Sub-Divisional Officer,
Baloda Bazar, Distt. Raipur (MP).
 5. The Sub-Divisional Officer,
Bhatapara, District, Raipur (MP).
 6. Kamalnarayan S/o Pachkodram Dhuwa.
 7. Hiralal S/o Johitram Kuruwanshi.
 8. Hemlal S/o Girwar Dhuwa.
 9. Tejiram S/o Phoolsingh Dhuwa.
 10. Pandwaram S/o Tijauram
- Respondents 6 to 10 resident of
village-Sarseni, Tahsil-Simga,
District, Raipur (M.P.).
11. Radheshyam S/o Bodhiram Dhuwa
 12. Guhartam S/o Jodhan Dhuwa
 13. Ramratan S/o Birsingh Dhuwa

Respondents 11 to 13 resident of
village-Chuchrungpur, Tahsil-Simga,
District, Raipur (M.P.).

Admitted Copy of Petition With Affidavits
12-1-98
CLERK
O/c: Advocate Gopal
M. P. JABALPUR



Hushon
DRU)

eminent the name
of respondent no 18, 19
according to court
order dated
19-11-99
19-1-2000

14. Smt. Kusumbai D/o Bahursingh Dhruwa.

15. Bisram S/o Neelkanth Shikari

16. Sonsay S/o Siyaram Shikari

17. Dwarika S/o Siyaram Shikari

18. ~~Somnath S/o Sewakram Verma.~~

19. ~~Shivdatt S/o Sevakram Verma~~

Respondents No.14 to 19 resident of
village Chhirahi Tahsil Simga,
District, Raipur (M.P.).

20. Motilal S/o Santram Verma.

21. Shivcharan S/o Naresh Kumar Dhruwa.

22. Noharsingh S/o Sukhdeo Prasad Dhruwa.

23. Khorbahararam S/o Dheluram Vishwakarma.

24. Birajhram S/o Shivilal Yadav

25. Ramkishun S/o Sadaram

26. Sukhiram S/o Itwari Gond

27. Premdas S/o Baliram Rao.

Respondents 20 to 27 resident of village-
Chuchrangpur Tahsil-Simga, Distt. Raipur (MP).

WRIT PETITION UNDER ARTICLE 226/227 OF THE

Constitution of India



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HIGH COURT OF CHHATTISGARH AT BILASPUR**(SB: Hon'ble Mr. T.P. Sharma, J.)****Writ Petition No.179 of 1998****Petitioner**

Grasim Cement

Versus**Respondents**

1. State of Madhya Pradesh
2. The Commissioner, Raipur
3. The Collector, Raipur
4. The Sub-Divisional Officer, Baloda Bazar
5. The Sub-Divisional Officer, Bhatapara
6. Kamalnarayan
7. Hiralal
8. Hemlal
9. Tejiram
10. Pandwaram
11. Radheshyam
12. Guhartam
13. Ramratan
14. Smt.Kusumbai
15. Bisram
16. Sonsay
17. Dwarika
18. Somnath
19. Shivdatt
20. Motilal
21. Shivcharan

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22. Noharsingh
23. Khorbahararam
24. Birajhram
25. Ramkishun
26. Sukhiram
27. Premdas

(Writ Petition under Article 226/227 of the Constitution of India)

Mr.Bhaskar Payashi, counsel for the petitioner.

Mr.Ajay Dwivedi, Deputy Government Advocate for respondents No.1 to 5/State.

Mr.Mahendra Dubey, counsel for respondents No.6 to 17 and 20 to 27.

ORDER

(Passed on 18th September, 2012)

1. By this writ petition under Article 226/227 of the Constitution of India the petitioner has prayed for quashment of the memo dated 6.1.1998 (Annexure P/29) issued by the Collector, Raipur, whereby the Collector has directed the petitioner to provide service to 22 persons whom the Collector has granted conditional permission to sale their lands to the petitioner under Section 165(6) of the C.G. Land Revenue Code, 1959 (for short 'the Code').
2. Learned counsel for the petitioner submits that while granting permission under Section 165(6) of the Code the Collector was not competent to impose any condition except to grant or to refuse the permission, but by passing the order respondent No.3 has committed illegality.
3. I have perused the orders granting conditional permission dated 24.11.1992 to provide service to private respondents by the Collector, although same are not under challenge.
4. Specific condition has been mentioned in the order as per para 2 which reads thus:-

"2.केता ग्रासिम इंडस्ट्रीज, विकेता के परिवार के एक सदस्य को उसकी योग्यता के अनुसार अपने कारखाने में सेवा की नियुक्ति देंगे।"

5. At the time of purchasing the lands from private respondents the petitioner was at liberty to purchase the lands or refuse to purchase the lands considering the condition. The present petitioner has not filed petition against aforesaid 22 orders. I do not find any ground for interference in the aforesaid orders.
6. Consequently, the writ petition being without substance is liable to be dismissed and is hereby dismissed. However, the petitioner is at liberty to file appropriate petition against the aforesaid orders or act in accordance with the aforesaid facts. No order as to costs.

Sd/-
T.P. Sharma
Judge

BS